

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-133-C – ORDER NO. 2004-369
SEPTEMBER 27, 2004

IN RE: Application of OneLink Communications,)	ORDER GRANTING
Inc. for a Certificate of Public Convenience)	CERTIFICATE
and Necessity to Provide Intrastate)	
Interexchange Telecommunications Services.)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of the Application of OneLink Communications, Inc. (“OneLink” or the “Company”) for authority to provide intrastate resold telecommunications services within South Carolina. The Company’s Application was filed pursuant to S.C. Code Ann. Section 58-9-280 (Supp. 2003), S.C. Code Ann. Section 58-9-585 (Supp. 2003), and the Rules and Regulations of the Commission.

By letter, the Commission’s Executive Director instructed OneLink to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceeding. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No petitions to intervene were received in this matter.

A hearing was commenced on July 8, 2004, at 10:30 a.m. in the Commission's Hearing Room. The Honorable Randy Mitchell, Chairman, presided. Faye A. Flowers, Esquire, represented the Company. F. David Butler, Esq., General Counsel, represented the Commission Staff. Michael Jones, Accounting Manager for OneLink, appeared, adopted the pre-filed testimony of the Company President, Enrique Martinez, and testified in support of the Application.

According to the testimony of the Company witness and the documents contained in the record, the company is a Delaware Corporation formed on January 9, 2001, and is based in Tamarac, Florida. Additionally, the Company maintains business offices in Alpharetta, Georgia. Mr. Jones testified that OneLink is certificated to provide telecommunications services in 25 states. The Company has received authority from the South Carolina Secretary of State to transact business within the State of South Carolina.

Onelink is a resale carrier of long distance intrastate, interstate, and international telephone service for residential customers. OneLink does not intend to offer operator services or service to pay telephones. According to Mr. Jones, OneLink intends to only offer 1+ and long distance services to residential customers and will utilize Qwest as its underlying carrier in South Carolina.

Mr. Jones testified that OneLink intends to telemarket its services in South Carolina and will use a third party verification system. A copy of OneLink's telemarketing script was submitted to the Commission as a late-filed exhibit and is a part of the record in this case. Mr. Jones further testified that OneLink will comply with all

FCC and South Carolina laws and regulations concerning the marketing of its services in South Carolina.

Mr. Jones opined that OneLink possesses the technical, managerial, and financial resources to provide telecommunications services in the State of South Carolina. The people providing technical, financial and managerial support to OneLink include Mr. Jones himself, who has worked as an accountant in the telecom industry since 1998 and the Company's President, Enrique Martinez, who founded OneLink in 2001 after working for 13 years in the telecommunications industry. Financial statements from OneLink through June, 2003 were filed with the Commission and demonstrate that OneLink possess the financial ability to provide telecommunications services in South Carolina.

According to Mr. Jones, OneLink has been certified to provide telecommunications services in 25 states and currently has 18,054 customers in 17 of those states. Mr. Jones further asserts that the Company will operate in compliance with all applicable statutes, regulations, and Commission orders. Further, Mr. Jones testified that OneLink has never had authority denied in any state where it has applied for authority nor has OneLink had authority revoked in any state where it has been granted authority. Additionally, he stated OneLink has never been the subject of an investigation or sanctioned for service or billing irregularities by any regulatory authority. According to the testimony, the Company has not marketed its services in South Carolina prior to receiving certification, and the Company has not received revenues from the completion of intrastate calls in South Carolina prior to receiving certification. Mr. Jones stated that

the Company will abide by all applicable Commission rules, regulations and Orders upon the Company receiving certification to provide intrastate interexchange telecommunications services in South Carolina.

Mr. Jones discussed the Company's request for certain waivers of Commission regulations. The Company requests that it be exempt from any rules or regulations that would require it to keep financial records in conformance with the Uniform System of Accounts ("USOA") and would ask the Commission that it be allowed to use Generally Accepted Accounting Principles ("GAAP"). The Company also seeks a waiver of 26 S.C. Code Ann. Regs. 103-610 (1976 & Supp. 2003) so that the Company can maintain its records outside of South Carolina. The Company wishes to maintain books and records at its offices in Alpharetta, Georgia.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. OneLink is a duly organized Delaware corporation with its principle place of business in Tamarack, Florida and has been authorized to do business in the State of South Carolina by the Secretary of State.

2. The Company is a provider of interexchange telecommunications services and wishes to provide its services in South Carolina.

3. The Company has the managerial, technical, and financial resources to provide the services as described in its Application. S.C. Code Ann. Section 58-9-280 (B)(1) (Supp. 2003) .

4. The Commission finds that the Company's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. Section 58-9-280 (B)(3) (Supp. 2003) .

5. The Commission finds that the Company will support universally available telephone service at affordable rates. S.C. Code Ann. Section 58-9-280 (B)(4) (Supp. 2003).

6. The Commission finds that the services to be provided by the Company will meet the service standards of the Commission. S.C. Code Ann. Section 58-9-280 (B)(2) (Supp. 2003).

CONCLUSIONS OF LAW

1. The Commission concludes that the Company possesses the managerial, technical, and financial resources to provide the competitive resold intrastate telecommunications services as described in the Application.

2. The Commission concludes that the Company will participate in the support of universally available telephone service at affordable rates to the extent that the Company may be required to do so by the Commission.

3. The Commission concludes that the Company will provide services that will meet the service standards of the Commission.

4. Based on the above findings of fact, the Commission determines that a statewide Certificate of Public Convenience and Necessity should be granted to the Company to provide resold intrastate interexchange telecommunications services.

5. With regard to the interexchange service offerings of the Company, the Commission adopts a rate design that includes only maximum rate levels for each tariff charge. The Commission has previously adopted a rate structure incorporating maximum rate levels. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

6. With regard to interexchange service rates, the Company shall not adjust its interexchange service rates below the approved maximum levels without notice to the Commission and to the public. The Company shall file its proposed rate changes, publish notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances that do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 2003).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. A Certificate of Public Convenience and Necessity is granted to the Company to provide intrastate resold interexchange telecommunications services.
2. The Company shall file, prior to offering access services in South Carolina, its final exchange access service tariff with the Commission.
3. The Company shall file, prior to offering interexchange services in South Carolina, a long distance tariff with the Commission.
4. The Company is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that, for access charge purposes, resellers should be treated similarly to facilities-based interexchange carriers.
5. With regard to the Company's interexchange services, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.
6. To the extent the Company resells interexchange services, the Company shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If the Company changes underlying carriers, it shall notify the Commission in writing.
7. With regard to the origination and termination of toll calls within the same LATA, the Company shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the Federal

Communications Commission (“FCC”), pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209). Specifically, the Company shall comply with the imputation standard as adopted by Order No. 93-462 and more fully described in paragraph 4 of the Stipulation and Appendix B approved by Order No. 93-462.

8. The Company shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The annual report and the gross receipt filings will necessitate the filing of intrastate information. Therefore, the Company shall keep such financial records on an intrastate basis as needed to comply with the annual report and gross receipt filings. The two-page form the Company shall use to file this information is entitled "Annual Information on South Carolina Operations for Interexchange Companies and AOS," and shall be filed with the Commission by April 1st of each year. Be advised that the Commission's annual report for telecommunications companies requires the filing of intrastate revenues and intrastate expenses. Commission gross receipts forms are due to be filed with the Commission no later than August 31st of each year. The appropriate forms for remitting information may be found on the Commission's website at <http://www.psc.state.sc.us/reference/forms.asp>.

9. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the

name of the authorized representative to be contacted in connection with general management duties as well as emergencies occurring during non-office hours.

The Company shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The form the Company shall use to file this authorized utility representative information can be found at the Commission's website. This form is entitled "Authorized Utility Representative Information." Further, the Company shall promptly notify the Commission in writing if the representatives are replaced. The Company shall also file with the Commission a copy of their general Bill Form as required by S.C. Code Regs. 103-612.2 and 103-622 (1976 and Supp. 2003).

10. The Company shall conduct its businesses in compliance with Commission decisions and Orders, both past and future.

11. The Company is granted a waiver of 26 S.C. Regs. 103-610 (1976 and Supp. 2003) requiring the Company to maintain its financial books and records within the State of South Carolina. The Company is hereby granted permission to maintain its financial books and records at its offices in Alpharetta, Georgia. Further, the Company is granted a waiver of the requirement that books and records be maintained in accordance with the Uniform Systems of Accounts ("USOA"). The Company is directed to comply with all Rules and Regulations of the Commission, unless the Commission specifically waives compliance with a regulation.

12. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)